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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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COUNSEL/PARTIES OF RECORD	
FEB 01 2019	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

DARIO RODRIGUEZ,

3:16-cv-0143-MMD-CBC

Plaintiff,

v.

ORDER

ADAM ENDEL, *et al.*,

Defendants.

This action is a pro se civil rights complaint filed pursuant to 42 U.S.C. § 1983 by a state prisoner. Plaintiff has submitted an application to proceed *in forma pauperis*. (ECF No. 1). Based on the financial information provided, the Court finds that Plaintiff is unable to prepay the full filing fee in this matter.

On October 19, 2018, the Court imposed a 90-day stay and the Court entered a subsequent order in which the parties were assigned to mediation by a court-appointed mediator. (ECF No. 30, 33). The Office of the Attorney General has now filed a status report indicating that settlement has not been reached and informing the Court of its intent to proceed with this action. (ECF No. 36).

For the foregoing reasons, **IT IS ORDERED** that:

1. Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) is **GRANTED**. Plaintiff shall not be required to pay an initial installment of the filing fee. In the event that this action is dismissed, the full filing fee must still be paid pursuant to 28 U.S.C. § 1915(b)(2).

2. The movant herein is permitted to maintain this action to conclusion without the necessity of prepayment of any additional fees or costs or the giving of security therefor. This order granting leave to proceed *in forma pauperis* shall not extend to the issuance and/or service of subpoenas at government expense.

1 3. Pursuant to 28 U.S.C. § 1915(b)(2), the Nevada Department of Corrections
2 shall pay to the Clerk of the United States District Court, District of Nevada, 20% of the
3 preceding month's deposits to Plaintiff's account (**Dario Rodriguez, #C11435**), in the
4 months that the account exceeds \$10.00, until the full \$350.00 filing fee has been paid
5 for this action. The Clerk of the Court shall **SEND** a copy of this order to the Finance
6 Division of the Clerk's Office. The Clerk of the Court shall also **SEND** a copy of this
7 order to the attention of the Chief of Inmate Services for the Nevada Department of
8 Corrections, P.O. Box 7011, Carson City, NV 89702.¹

9 4. The Clerk of the Court shall electronically **SERVE** a copy of this order and
10 a copy of Plaintiff's second amended complaint (ECF No. 27) on the Office of the
11 Attorney General of the State of Nevada by adding the Attorney General of the State of
12 Nevada to the docket sheet. This does not indicate acceptance of service.

13 5. Service must be perfected within ninety (90) days from the date of this
14 order pursuant to Fed. R. Civ. P. 4(m).

15 6. Subject to the findings of the screening order (ECF No. 30), within twenty-
16 one (21) days of the date of entry of this order, the Attorney General's Office shall file a
17 notice advising the Court and Plaintiff of: (a) the names of the defendants for whom it
18 accepts service; (b) the names of the defendants for whom it does not accept service,
19 and (c) the names of the defendants for whom it is filing the last-known-address
20 information under seal. As to any of the named defendants for whom the Attorney
21 General's Office cannot accept service, the Office shall file, under seal, but shall not
22 serve the inmate Plaintiff the last known address(es) of those defendant(s) for whom it
23 has such information. If the last known address of the defendant(s) is a post office box,
24 the Attorney General's Office shall attempt to obtain and provide the last known physical
25 address(es).

26
27 ¹ If the NDOC is not housing Plaintiff in Nevada, the Chief of Inmate Services for the
28 NDOC shall make arrangements to obtain the fees, in accordance with this order, from
the institution where Plaintiff is housed.

1 7. If service cannot be accepted for any of the named defendant(s), Plaintiff
2 shall file a motion identifying the unserved defendant(s), requesting issuance of a
3 summons, and specifying a full name and address for the defendant(s). For the
4 defendant(s) as to which the Attorney General has not provided last-known-address
5 information, Plaintiff shall provide the full name and address for the defendant(s).

6 8. If the Attorney General accepts service of process for any named
7 defendant(s), such defendant(s) shall file and serve an answer or other response to the
8 complaint within sixty (60) days from the date of this order.

9 9. Henceforth, Plaintiff shall serve upon defendant(s) or, if an appearance has
10 been entered by counsel, upon their attorney(s), a copy of every pleading, motion or
11 other document submitted for consideration by the Court. Plaintiff shall include with the
12 original document submitted for filing a certificate stating the date that a true and correct
13 copy of the document was mailed or electronically filed to the defendants or counsel for
14 the defendants. If counsel has entered a notice of appearance, Plaintiff shall direct
15 service to the individual attorney named in the notice of appearance, at the physical or
16 electronic address stated therein. The Court may disregard any document received by a
17 district judge or magistrate judge which has not been filed with the Clerk, and any
18 document received by a district judge, magistrate judge, or the Clerk which fails to
19 include a certificate showing proper service.

20 10. This case is no longer stayed.

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22 DATED: 2/1/2019

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25 UNITED STATES MAGISTRATE JUDGE
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